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UNITED NATIONS CONFERENCE ON
STRADDLING FISH STOCKS AND
HIGHLY MIGRATORY FISH STOCKS
New York, 12-30 July 1993

STATEMENT MADE BY THE CHAIRMAN OF THE CONFERENCE AT THE CLOSING OF THE SECOND SESSION, HELD ON 30 JULY 1993

Over the past three weeks we have been involved in broad-ranging discussions and debate, focusing on a number of very sensitive issues which must be addressed if we are to fulfil the mandate given to the present Conference by the General Assembly, following the request made by world leaders at the United Nations Conference on Environment and Development held at Rio de Janeiro last year.

Our deliberations at the second session have reinforced the concerns that led to the convening of the Conference. We are well aware that there is a pressing need for long-term and sustainable conservation and management measures for straddling fish stocks and highly migratory fish stocks. Unless we meet this challenge the marine living resources of the world will continue to be over-fished and the stocks will continue to be depleted. It is, therefore, with good reason that the international community is concerned at the present state of the world's major fisheries, of which straddling fish stocks and highly migratory fish stocks are important components.

The mandate given to us at the forty-seventh session of the General Assembly, as outlined in resolution 47/192, required that this Conference seek means of promoting the effective implementation of the provisions of the United Nations Convention on the Law of the Sea with respect to straddling fish stocks and highly migratory fish stocks. In so doing, the Conference was required to identify and assess existing problems related to the conservation and management of those two types of fish stocks; to consider means of improving fisheries cooperation among States; and to formulate appropriate recommendations.

As pointing out in the statement made at the opening of the second session of the Conference on 12 July 1993 (A/CONF.164/11), we have, in fact, made substantial progress towards fulfilling the mandate set out in General Assembly resolution 47/192. We have identified and assessed existing problems. Furthermore, we have considered means of improving fisheries cooperation among States. We have also made considerable progress towards the formulation of

appropriate recommendations. These formulations will be the subject of the deliberations at our next session.

In the debates and discussions over the last three weeks, we have explored the many issues before us in depth. In addition to the general discussions, the Conference has addressed most of the key issues based on the working papers prepared by the Chairman. This method of work has enabled all of the participants in the Conference to contribute to the preparation of the basic negotiating text, which you had requested the Chairman to prepare.

For my part, I have listened most attentively to the debate and have tried to absorb the many and divergent views expressed. This has helped considerably in the preparation of the Chairman's negotiating text which is contained in document A/CONF.164/13. This text will be the basis for our future work.

As delegates to the Conference will understand, the document is an attempt to reconcile the different views on the many issues that we have considered. It is, of course, impossible to reflect every view on the various issues if one is to arrive at a single negotiating text. I would, therefore, like to underscore my statement in the introductory note to the negotiating text, which reads as follows:

> "1. The present text has been prepared by the Chairman in response to the request of the Conference. Its purpose is to provide the Conference with a basic negotiating text on the issues under consideration. In the preparation of this text account has been taken of the discussions on the substantive issues and also of the various proposals and position papers submitted by delegations.
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> "2. The Chairman's negotiating text does not prejudice the position of any delegation on the substantive matters referred to therein. It is put forward only as a negotiating instrument."

This Conference commenced without the benefit of preparatory work, and from this point of view, we were placed at a disadvantage. However, the production of the negotiating text as the basis for our future deliberations has significantly advanced our work.

The negotiating text reflects a large measure of agreement on many of the issues. But it has to be recognized that there are a considerable number of important matters which must be explored further before consensus can be reached. This will be our task at the next session.

I would like to summarize briefly the status of some of the major issues that have been addressed.

All delegations support the need for strong and effective conservation and management measures for straddling fish stocks and highly migratory fish stocks. We are all aware of the need to establish appropriate measures to secure such conservation and management as a means of promoting long-term sustainability of the resources. While we all agree on this fundamental and necessary goal, the means by which it will be attained have yet to be fully mapped out.

Considerable discussion in this Conference has focused on the need for precautionary approaches to the management of straddling fish stocks and highly migratory fish stocks. There seems to be an emerging consensus on this issue, and all of the delegations have expressed support for the concept in principle. However, the precise use of the precautionary approach in fisheries management has to be further elaborated and there is agreement that the Conference will address this issue at the next session. Our deliberations at the Conference would benefit from an information paper on this subject. Accordingly, I recommend that the Conference request the Food and Agriculture Organization of the United Nations (FAO) to prepare such a paper in advance of the next session. We will then establish a small working group to consider the issue. I believe that this would be a sensible and cost-effective way to proceed.

As part and parcel of the need to secure more effective conservation and management of straddling fish stocks and highly migratory fish stocks, there is agreement among delegations that fishing should be conducted in a responsible manner. In this regard, paralleling the work of this Conference, is the work being undertaken by FAO in connection with the development of the Code of Conduct for Responsible Fishing. This Code will certainly complement the outcome of this Conference.

Timely, accurate and complete catch and effort data are all the cornerstone of fisheries conservation and management. On this critical issue, the Conference has achieved a large measure of agreement on the type of data and information required and the manner in which they should be compiled.

The Conference has also recognized the need for practical and enforceable monitoring, control and surveillance measures, to ensure effective compliance and enforcement. In this connection, there is agreement that the primary responsibility for ensuring adherence to conservation and management measures for high seas fisheries rests with the flag States. However, it is also recognized that port States can supplement the responsibility of the flag States in promoting agreed conservation and management measures in accordance with international law.

The United Nations Convention on the Law of the Sea refers to maximum sustainable yield as a point of reference for the conservation and management of marine living resources. However, there has been discussion of other reference points in the last decade which require consideration. In this regard, it was proposed that the Conference look at this issue in a working group. We shall do so at the next session of the Conference. To facilitate such evaluation, it would be useful if FAO could provide us with an information paper on this matter. I therefore recommend that the Conference also request FAO to provide such a paper in advance of the next session.

The implementation of mechanisms to secure international cooperation in the conservation and management of straddling fish stocks and highly migratory fish stocks has been addressed in detail in both plenary and informal sessions of this Conference.

The weight of opinion is that institutionalized arrangements are the most effective, and that the particular needs of stocks and regions must be taken into account if these arrangements are to be successful. There is also

considerable agreement on the objectives and the role of regional organizations or arrangements in respect of the conservation and management of straddling fish stocks and highly migratory fish stocks.

While effective solutions to the conservation and management of straddling fish stocks and highly migratory fish stocks will only be found at the regional level, many delegations have pointed to the need for regional organizations and arrangements to be adequately funded, so that they can discharge their responsibilities effectively. This issue will need to be addressed in considerably more detail at the next session. I firmly believe it makes little sense to propose the establishment of regional organizations to undertake conservation and management measures if they do not have the resources to carry out their respective mandates.

As part of effective institutional arrangements for the conservation and management of straddling fish stocks and highly migratory fish stocks, the Conference recognizes the need for organizations to have efficient and effective decision-making procedures. However, in cases where there are disagreements over conservation and management measures, it is essential that provisions exist for the speedy and binding settlement of disputes. If such expeditious procedures are not established, stocks may be progressively depleted while we await the outcome of a more prolonged procedure. Such a situation would be contrary to the fundamental goal of this Conference.

Ways and means of dealing with new entrants and non-parties must be secured if conservation and management of straddling fish stocks and highly migratory fish stocks is to fulfil the objectives of sustainability. The special position of developing countries that wish to fish in their own region, but do not do so at the present time, must be acknowledged. The option which other countries have enjoyed in the past because of their capital and technological advantages, must also be an option for developing countries in the future.

Major concern has been expressed at the Conference concerning the role of non-parties, since it has been demonstrated that such parties can very quickly undermine internationally agreed conservation and management efforts. We must come to terms with this problem.

Considerable discussion has focused on the special needs and requirements of developing countries, and the scientific and technical assistance that might be required to enable them to discharge their conservation and management obligations more effectively. The point has been made that these countries may also require other types of assistance to facilitate their movement into new fisheries. For reasons of food and economic security, there is a moral obligation to provide appropriate assistance to developing countries. I am greatly heartened that in the course of debate and discussion this obligation has been recognized by all of the delegations.

At the heart of our discussions is the issue of compatibility and coherence between national and international conservation measures for straddling fish stocks and highly migratory fish stocks. We all agree that it is essential to harmonize these measures, but the manner in which this will be achieved requires our consideration. I am greatly encouraged by the discussion on the issue and by the responsible way in which delegations have sought to find common ground.

It is a very delicate issue, but I believe that eventually agreement can be achieved.

We have made an excellent start in addressing the mandate given to us by the forty-seventh session of the General Assembly. We should not lose sight of the magnitude of the problem at hand. We still have a heavy task before us, if we are to complete our work before the forty-ninth session of the General Assembly in 1994. In this regard, we must take decisions regarding our future work programme. Now that we have fully assessed the scope of our substantive work, it is clear that the Conference will need two further sessions to fulfil its mandate. I believe that it is necessary to have a three-week negotiating session in the spring of 1994 and a further concluding session during the summer of 1994.

During the spring session, the Conference should make a concerted effort to arrive at agreement on the many issues contained in the negotiating text. It is my hope that at the end of the spring session, we could reach a stage where a revised text could be issued, reflecting substantial, if not total, agreement on all issues. Such a text would then be available for States to review, in order that we could proceed to its adoption, in whatever form we might agree to, at the concluding session.

Accordingly, I wish to propose that the Conference decide on the following:

1. That there should be two further sessions of the Conference during the spring and summer of 1994. The dates indicated by Conference Services are 14 March to 1 April 1994 and 15 to 26 August 1994. These dates are to be confirmed by the General Assembly at its forty-eighth session;

2. That the Conference recommend to the General Assembly that conference facilities and services be provided for the two sessions. In order to facilitate our work, the services provided should enable us to hold two simultaneous meetings during the sessions. There are financial implications associated with this request that would have to be taken into account by the General Assembly;

3. That the Conference endorse the Chairman's proposal regarding the request to FAO to provide two information papers for our work in advance of the next session.

I would like to thank you most warmly and sincerely for your dedication to the task at hand, and for the constructive and cooperative manner in which you have contributed to the work of this session. I particularly wish to express my deep gratitude and appreciation for the cooperation, assistance and friendship that you have all given me as your Chairman. This has made my task much easier. I would like to pay special tribute to the Vice-Chairmen of the Conference, who have provided valuable support and guidance to me. I would also like to thank the Secretariat for facilitating our work during this session.